

**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

P.S. - Panchayat Raj Engineering Department – Allegations of certain irregularities committed in execution of road work ‘Providing BT surface to the Road from PWD road Yadgir–Kodangal to Nagsar via Anthwar, Balampet, Sultanpur” in Mahabubnagar district - Sri Khader Moinuddin, formerly Executive Engineer, PR, Narayanpet of Mahabubnagar District (now retired) – Departmental proceedings initiated under Rule 20 of Andhra Pradesh Civil Services (CC&A) Rules, 1991 – Article of Charges – Issued.

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PANCHAYAT RAJ & RURAL DEVELOPMENT (VIG.I) DEPARTMENT

G.O.Rt.No. 695

Dated: 24.04.2012

Read:

G.O.Ms.No.105, PR&RD (Vig.I) Department, dated 24.04.2012.

ORDER:

In pursuance of the sanction accorded under sub-clause (i) of clause (b) of sub-rule (2) of Rule 9 of the Andhra Pradesh Revised Pension Rules, 1980 in the G.O. read above, for initiating departmental proceedings against Sri Khader Moinuddin, formerly Executive Engineer, PR, Narayanpet of Mahabubnagar District (now retired), it is proposed to hold an enquiry against Sri Khader Moinuddin, formerly Executive Engineer, PR, Narayanpet of Mahabubnagar District (now retired) in accordance with the procedure laid down in Rule 20 of Andhra Pradesh Civil Service (Classification, Control and Appeal) Rules, 1991.

2. The substance of the imputations of misconduct or misbehavior in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charges (Annexure-I). A list of documents by which and list of witnesses, by whom, the articles of charges are proposed to be sustained are also enclosed (Annexure-II and III).

3. Sri Khader Moinuddin, formerly Executive Engineer, PR, Narayanpet of Mahabubnagar District (now retired), is directed to submit within (10) days of the receipt of this order, a written statement of his defence.

4. Sri Khader Moinuddin, formerly Executive Engineer, PR, Narayanpet of Mahabubnagar District (now retired), is informed that an inquiry will be held only in respect of those articles of charge as are not admitted. He should, therefore, specifically admit or deny each article of charge.

5. Sri Khader Moinuddin, formerly Executive Engineer, PR, Narayanpet of Mahabubnagar District (now retired), is further informed that if he does not submit his written statement of defence on or before the date specified in para 3 above or otherwise fails or refuses to comply with the provisions of rule 20 of Andhra Pradesh Civil Services (CCA) Rules, 1991 or the order/directions issued in pursuance of the said rules, the Inquiry Authority may hold the inquiry against him ex-parte.

6. Attention of Sri Khader Moinuddin, formerly Executive Engineer, PR, Narayanpet of Mahabubnagar District (now retired), is invited to Rule 24 of the A.P. Civil Service (Conduct) Rules, 1964, under which no Government servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interest in respect of matters pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt with these proceedings it will be presumed that he is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of rule 24 of the A.P. Civil Service (Conduct) Rules, 1964.

P.T.O.

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7. The receipt of this G.O. shall be acknowledged forthwith.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

C.R. BISWAL
PRINCIPAL SECRETARY TO GOVERNMENT (PR)

To
Sri Khader Moinuddin, formerly Executive Engineer, PR,
Narayanpet of Mahabubnagar District (now retired)
through the Engineer-in-Chief, Panchayat Raj, Hyderabad.
The Engineer-in-Chief, Panchayat Raj, Hyderabad.
(with a request to serve and return the acknowledged copy and W.S.D.)

Copy to:
The G.A.(V&E) Dept.
The Secretary to V.C., APVC, Hyderabad.
SF/SC

// FORWARDED::BY::ORDER //

SECTION OFFICER

Annexure-I

Statement showing the Article of Charges against Sri Khader Moinuddin, formerly Executive Engineer (PR), PR Division, Narayanpet of Mahabubnagar District (now retired)

CHARGE:

That Sri Khader Moinuddin, formerly Executive Engineer (PR), PR Division, Narayanpet of Mahabubnagar District (now retired) has committed certain irregularities in execution of road work "Providing BT surface to the Road from PWD road Yadgir–Kodangal to Nagsar via Anthwar, Balampet, Sultanpur" in Mahabubnagar district taken up under NABARD RIDF-XI-Phase-II in Mahabubnagar district., as he has

- a) Checkmeasured and recommended payment for the WBM 40-45 mm metal layer with abnormal oversize metal i.e. more than 40% in KM 4/0 to 5/0 and 7/0 to 8/0 which is liable for rejection.
- b) Recommended payment for not executed WBM 65 mm metal layer in KM 4/6 to 4/8 for a length of 73 meters.
- c) Recommended payment for the work without field quality control test records.

BASIS:

Verification of records and inspection of the work by V&E Department revealed that:

1. The work was in progress as on the day of inspection i.e. 23.10.2009 and 24.10.2009, Post facto Extension of Agreement Time was accorded upto 25.12.2008 only and further proposals were submitted by the contractor. Even after expiry of EOAT period the field staff allowed the contractor to execute the work.
2. Ante dated recording is observed in case of the BT Layer as it is observed that:
 - a) As per the pages 13 to 18 of MB No.A/596/06-07 measurements the BT Layer are recorded in the month of 11/2008 i.e. before the Post facto Extension of Agreement Time accorded upto 25.12.2008 without liquidated damages.
 - b) The EE and AEE concerned while deposing their statements on 30.04.2009 submitted that the BT was yet to be done for 8.80 Km length.
 - c) Generally measurements will be recorded after satisfactory execution of the work to the specifications only. But number of deficiencies were observed by the Quality Control Staff during inspection on 16.07.2009 and subsequently by the V&E Department officials on 23.10.2009 and 24.10.2009 recording of BT in the month of 11/2008 which indicates that the execution was not done satisfactorily.

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- d) Had the execution of the BT Layer was completed in the month of 11/2008, the same would have been considered for bill on 20.03.2009, but the same was not included. Payment for the BT Layer was recommended on 20.07.2009 (paid on 01.08.2009).
3. Post facto approval of EOAT upto 25.12.2008 accorded without imposing liquidated damages though the reasons for delay are attributable to the contractor is not correct. Also as on the date of V&E inspection, execution of the work without even submission of the EOAT proposals after lapse of the EOAT on 25.12.2008 is not in order. This enabled the contractor for getting permission for price escalation claim from the Government vide G.O.Rt.No.1535 PR&RD (Progs.II) Dept., dt:03.10.2011.
 4. Though the work was not completed within the agreement time, price escalation was permitted to the contractor vide G.O. Rt.No.1535 PR&RD dt:03.10.2011 which is not correct in view of the ante date recording and the delay caused due to the reasons attributable to the contractor. The G.O. permitting the contractor for price escalation causes heavy loss to Government exchequer and shall be cancelled immediately.
 5. The field staff did not conduct any QC tests during execution and did not furnish any test records during departmental Vig. & Q.C. inspection and also V&E Department inspection. Though the number of defects were pointed out by the Q.C. staff during their inspection, even without rectifying the same and without applying for further EOAT, bill was recommended by the Construction Engineers which is a grave irregularity.
 6. OK cards, as stipulated in the clause 35.2 of the Agreement, are not maintained by the contractor, Construction Staff and Q.C. Staff due to which certain lapses Viz., missing of 65mm layer in the reach KM 4/6 to 4/8 would have been avoided.
 7. The insurance coverage for the above work was up to 24.06.2010 including defect liability period of 24 months. The same shall be extended for EOAT period also.
 8. The SE, PR, Mahaboobnagar failed to check measure the work at 1/3rd, 2/3rd and before final bill violating the ENC (PR) instructions vide Memo T1/10744/1996, dt:15.10.2005. The version of the SE that due to heavy work load and meetings the check measurement could not be done is not correct as the SE was instructed to do check measurement only three times before completion of the work based on his work load only. Though instructions were given to the PAO to not to stop the work bills for want of the check measurement, the same (Check measurements at 1/3rd, 2/3rd stages of work) cannot be done at later date before final bill and the instructions shall have to reviewed once again in view of the frequent violation of the instructions by the SE.
 9. The verification of executed work revealed the following deficiencies, recoveries and rejections.

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S.No.	Competent	Chainages in which deficiencies observed	Recovery proposed (Rs.)	Value of rejection (Rs.)	Remarks
1	GSB	KM 0/0 to 1/0	1,44,887/-		Deficiency in thickness
2	65 mm metal layer	KM 0/0 to 1/0 and Km 2/0 to 3/0	13,638/-		Oversize below 40%
		KM 4/6 to 4/8 (73 meters)		20,527/-	Work not executed.
3	40 mm to 45 mm metal layer	KM 0/0 to 1/0 8/0 to 9/0 and 9/0 to 10/0	71,538/-		Oversize below 40%
		2/0 to 3/0, 4/0 to 5/0, 7/0 to 8/0		9,33,987/-	Oversize is more than 40%
4	OGPC & Seal coat	KM 2/0 to 3/0, KM 7/0 to 8/0, KM 8/0 to 9/0	3,28,355/-		Deficiency in thickness
		KM 2/0 to 3/0, KM 4/0 to 5/0, KM 9/0 to 10/0	2,07,756/-		Deficiency in Bitumen content
	TOTAL (Rs.)		7,66,174/-	9,54,514/-	

10. The following deficiencies were observed both by the departmental V&QC Staff and V&E Department officials.

- Existing crust thickness was not recorded in the Measurement Book and not check measured by the field Engineers concerned.
- Width of Carriage Way and Formation width verified and compared with the recorded measurements of Measurement Books and found that the width is less than the specified / recorded at some locations.
- Surface undulations in BT surface observed in entire reach from KM 0/0 to KM 12/8 . BT patches and undulations were observed at many places in the entire stretch.
- CC wearing coat damaged and metal exposed on road dam portion at Km 2/2 to 2/4, KM 4/8 to 5/0 and KM 5/8 to 6/0.

Therefore, Sri Khader Moinuddin, formerly Executive Engineer (PR), PR Division, Narayanpet of Mahabubnagar District (now retired) has failed to discharge his legitimate duties properly and executed substandard work. Thus his action is in violation of A.P.C.S. (Conduct) Rules, 1964.

Hence the charge.

C.R. BISWAL
PRINCIPAL SECRETARY TO GOVERNMENT (PR)

SECTION OFFICER

ANNEXURE –II

List of documents for which the articles of charges are proposed to be sustained.

Vig & Enforcement Report No.96 (27/V&E/E2/2009), dt:28-12-2011.

C.R. BISWAL
PRINCIPAL SECRETARY TO GOVERNMENT (PR)

SECTION OFFICER

ANNEXURE –III

List of witnesses by which the articles of charges are proposed to be sustained.

NIL

C.R. BISWAL
PRINCIPAL SECRETARY TO GOVERNMENT (PR)

SECTION OFFICER